

## LCQ16: Protection of animal rights, interests and welfare

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 20):

Question:

Regarding the protection of animal rights, interests and welfare, will the Government inform this Council:

(1) whether it will study the formulation of guidelines on the space, food, water, etc. that animal keepers are required to provide for various types of animals;

(2) whether it will organise courses on the knowledge and skills needed for keeping various types of animals; if so, of the details; if not, the reasons for that;

(3) of the number, content and effectiveness of the dog training courses organised in the past five years for dog owners by the Agriculture, Fisheries and Conservation Department;

(4) whether it will consider afresh making it mandatory for persons convicted of cruelty to animals or animal abandonment to attend courses relating to animal welfare; if so, of the details; if not, the reasons for that;

(5) whether it will consider amending the legislation to require cat owners to arrange for microchipping their cats; if so, of the details; if not, the reasons for that;

(6) as there are views that the number of animals being adopted has been on the low side over the years, whether the authorities will launch an animal adoption fund to support animal welfare organisations (AWOs) to promote animal adoption; if so, of the details; if not, the reasons for that;

(7) given that with the completion of the three-year "Trap-Neuter-Return" Trial Programme for Stray Dogs in January this year, the authorities indicated last month that they were open-minded about AWOs or other groups conducting this type of programme at specific locations, of the attitude taken by the authorities regarding the implementation of the same type of programme to tackle the problem of stray cats, as well as whether they will provide the relevant organisations or groups with the resources and support needed;

(8) of the number of cases in which animals smuggled into the territory were seized by the authorities in each of the past five years, with a breakdown by

the boundary control point where such animals were seized; among such cases, the number and percentage of those involving endangered species; the measures to be put in place to step up the efforts in combating such smuggling activities; and

(9) of the number of complaints received by the authorities in the past five years involving pet services (including beauty, boarding, hospice services) and the use of animals in commercial activities (e.g. pet cafes); the legislation currently in place to regulate such activities, and whether it will study stepping up the regulation of the relevant activities through licensing; if so, of the details; if not, the reasons for that?

Reply:

President,

Having consulted the relevant departments, my reply to various parts of the question is as follows.

(1) and (2) To further protect animal welfare, the Government is exploring the introduction of a concept of positive duty of care on animal keepers in the legislation. At the same time, having regard to overseas practices and the situation in Hong Kong, we plan to draw up code(s) of practice for animal caring, covering among others requirements for carers to provide their animals with suitable diet and living environment, with a view to protecting animal welfare and health.

The Agriculture, Fisheries and Conservation Department (AFCD) has set up a dedicated website on animal keeping and management ([www.pets.gov.hk/english/index.html](http://www.pets.gov.hk/english/index.html)), which provides relevant information on taking proper care of various types of pets. In addition, AFCD and partner organisations organise various activities from time to time to promote animal welfare and adoption, and provide the public with the knowledge of animal keeping. To tie in with the above legislative amendments and code(s) of practice for animal caring, we will further enhance our publicity and education efforts.

(3) AFCD organised a total of 22 dog training courses for more than 750 dog owners from 2013 to May 30, 2018. Featuring both theory and practical sessions, these courses covered common behavioural problems of dogs and basic skills in dog training, with the aim of promoting the message on responsible pet ownership and educating participants on proper control of dogs. These courses were well-received with positive feedback, showing that dog owners considered them helpful in enriching their knowledge of dog management. AFCD will continue to allocate resources for organising more dog training courses.

(4) In reviewing the legislation relating to animals, we will also examine the feasibility of empowering the courts to prohibit convicted persons from keeping animals again having regard to severity of the cases. Meanwhile, AFCD will explore ways to help convicted persons enhance their knowledge of proper caring of animals, such as through providing online courses or information,

and encouraging them to take dog training courses, etc.

(5) Cats are usually kept indoors. Since cats infected with rabies are less likely to exhibit aggressive behaviour, the risk of spreading rabies in the community by cats is far lower than that by dogs. Under the Rabies Regulation (Cap 421A), cat owners are not required to have their cats licensed, vaccinated against rabies and microchipped.

This notwithstanding, cat owners may take their cats to veterinary clinics for vaccination against rabies and microchipping for identification purpose. Furthermore, in reviewing the effectiveness of the Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap 139B) in the future, we will also consider whether it is necessary to extend the regulation to also cover cat breeding and trading activities, as well as to incorporate the requirement of microchipping cats for sale.

(6) AFCD has been collaborating with animal welfare organisations (AWOs) to enhance animal welfare and promote animal adoption. As most AWOs are non-profit making with limited resources, the Government, as long as resources permit, has been providing subvention for these AWOs since 2011 to support their work, which includes promoting animal adoption and disseminating messages on responsible pet ownership, etc. Interested AWOs may submit their applications together with details of their animal welfare initiatives, estimated budget, and the associated performance indicators under the proposed programme to AFCD for consideration.

With the implementation of the above-mentioned measures and the close collaboration between AFCD and AWOs, the number of stray cats and dogs caught by AFCD has decreased by around 70 per cent over the past five years. Over the same period of time, the animal adoption rate has been gradually rising from 10.8 per cent in 2013 to 15.6 per cent in 2017. We will continue to step up our efforts in promoting animal adoption.

(7) Cats are not a major source of rabies transmission, thus having less implication for public health and safety. At present, some AWOs (such as the Society for the Prevention of Cruelty to Animals) run the "Trap-Neuter-Return" programme for stray cats with their own resources. AFCD has been supporting work of the organisations concerned, by explaining the programme to relevant stakeholders and handling complaints about stray cats.

(8) In accordance with the Public Health (Animals and Birds) Ordinance (Cap 139) and the Rabies Ordinance (Cap 421), AFCD regulates the import of animals from other places through a permit system to prevent the transmission of diseases into Hong Kong through animals.

AFCD's dog handlers perform duties with their quarantine detector dogs at various boundary control points in Hong Kong, and take surveillance and enforcement actions against illegal import of animals in collaboration with other law enforcement departments. If any act of illegal import of animals is found or suspected, members of the public may report the case to AFCD.

On publicity and education, dog handlers, together with their quarantine detector dogs, often conduct talks and demonstrations at schools and in local communities to promote the messages on prevention of animal smuggling.

The number of cases relating to seizure of animals smuggled into the territory by AFCD in the past five years is at Annex 1.

(9) The Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap 139B) and the Public Health (Animals) (Boarding Establishment) Regulations (Cap 139I) regulate the activities of animal traders and boarding establishments respectively in Hong Kong. A breakdown of complaints against such shops received by AFCD in the past five years is at Annex 2.

As stipulated in the Prevention of Cruelty to Animals Ordinance (Cap 169), any person who cruelly beats, kicks, ill-treats, over-rides, over-drives, overloads, tortures, infuriates, or terrifies any animal, or, by wantonly or unreasonably doing or omitting to do any act, causes any unnecessary suffering to any animal commits an offence, and shall be liable on conviction to a fine of \$200,000 and to imprisonment for three years. Enforcement departments will follow up on individual cases depending on the evidence available. Any person who intentionally causes suffering to animals when operating an animal related business (e.g. animal grooming) may be prosecuted.

Regarding "animal cafe", operators are required to comply with the Food Business Regulation (Cap 132X) just as operators of other food premises. As for hospice services for animals, operators are required to comply with the provisions of relevant ordinances, including the Public Health and Municipal Services Ordinance (Cap 132), the Air Pollution Control Ordinance (Cap 311), the Fire Services Ordinance (Cap 95), the Dangerous Goods Ordinance (Cap 295) and the Buildings Ordinance (Cap 123), as well as land lease conditions. The numbers of complaints about hospice services for pets received by the Environmental Protection Department, the Lands Department and the Fire Services Department respectively in the past five years are set out in Annex 3.

The Government currently has no plan to set up a separate licensing system for regulating other commercial activities relating to animals.